

**IN THE UNITED STATES DISTRICT COURT
FOR THE SOUTHERN DISTRICT OF MISSISSIPPI
NORTHERN DIVISION**

**THE STATE OF MISSISSIPPI, EX REL.
JIM HOOD, ATTORNEY GENERAL
FOR THE STATE OF MISSISSIPPI**

Plaintiff,

v.

ENTERGY MISSISSIPPI, INC., ET AL.

Defendants.

No.: 3:08-CV-780-CWR-LRA

MOTION TO COMPEL AND FOR RELATED RELIEF

Defendants Entergy Mississippi, Inc., Entergy Corporation, Entergy Services, Inc. and Entergy Power, Inc. respectfully move this Court: (1) to compel Plaintiff to submit its pre-trial Proposed Findings of Fact and Conclusions of Law no later than noon on April 1, 2019; (2) to continue the start of trial until April 3, 2019; and (3) to require that Plaintiff's post-trial Proposed Findings of Fact and Conclusions of Law be submitted three days before Defendants submit their post-trial Proposed Findings of Fact and Conclusions of Law. In support of this motion Defendants state the following:

1. This relief is needed so that Plaintiff is not advantaged, and Defendants are not prejudiced, by Plaintiff's blatant disregard of the Court's March 27, 2019 deadline for submission of pre-trial Proposed Findings of Fact and Conclusions of Law. That deadline was explicitly set by this Court's March 1, 2019 minute entry on the docket: "Minute Entry for proceedings held before District Judge Carlton W. Reeves: Pretrial Conference held on 3/1/2019. Bench Trial is set for April 1, 2019. Parties were hereby directed to submit their Exhibit and Witness Lists, Final Pretrial Order and *Proposed Findings of Fact and*

Conclusion of Law by March 27, 2019. (TRS) (Entered: 03/01/2019).” (Emphasis added.) Indeed, before the trial was initially to be held on November 5, 2018, this Court had likewise given notice of the general requirement that “[a]ll parties trying bench trials must submit proposed findings of fact and conclusions of law no later than three (3) days before the trial.” Doc. 321 at 2 (emphasis added).

2. On March 27, 2019, Defendants timely submitted their pre-trial Proposed Findings of Fact and Conclusions of Law. Plaintiff did not, and still has not. Accordingly, Plaintiff now has a roadmap of Defendants’ case, and Defendants do not have a roadmap of Plaintiff’s case. Moreover, to the extent Plaintiff files its Proposed Findings of Fact and Conclusions of Law now, it has the advantage of being able explicitly or implicitly to tailor that document to address Defendants’ March 27 filing.

3. Left unaddressed, this situation will substantially prejudice Defendants. Accordingly, Defendants respectfully move for an order: (1) requiring Plaintiff to submit its pre-trial Proposed Findings of Fact and Conclusions of Law no later than noon on April 1, 2019; (2) continuing the start of trial until April 3, 2019; and (3) requiring that Plaintiff’s post-trial Proposed Findings of Fact and Conclusions of Law be submitted three days before Defendants submit their post-trial Proposed Findings of Fact and Conclusions of Law.

4. Because of the nature of the relief requested and the circumstances of this motion, Defendants do not believe that a memorandum of law is required to support this motion. If Defendants are mistaken and the Court so directs, Defendants will file a memorandum promptly.

Respectfully submitted, this 29th day of March, 2019.

Respectfully submitted,

ENTERGY MISSISSIPPI, INC.,
ENTERGY CORPORATION,
ENTERGY SERVICES, INC. and
ENTERGY POWER, INC., Defendants

By /s/ Roy D. Campbell, III

Roy D. Campbell, III (MSB 5562)
J. William Manuel (MSB 9891)
Alicia N. Netterville (MSB 105055)
BRADLEY ARANT BOULT
CUMMINGS LLP
One Jackson Place
188 East Capitol Street, Suite 400
P.O. Box 1789
Jackson, MS 39215-1789
Telephone: (601) 948-8000
Facsimile: (601) 948-3000
rcampbell@bradley.com
wmanuel@bradley.com
anetterville@bradley.com

OF COUNSEL:

Tianna H. Raby, MSB #100256
Christopher R. Shaw, MSB #100393
ENTERGY MISSISSIPPI, INC.
308 E. Pearl Street, Suite 700 (39201)
Mail Unit M-ELEC-4A
P.O. Box 1640
Jackson, MS 39215-1640
(601) 969-2656 – Telephone
(601) 969-2696 – Facsimile
traby@entergy.com
cshaw4@entergy.com

John A. Braymer, *Pro Hac Vice*
Associate General Counsel
ENTERGY SERVICES, INC.
639 Loyola Avenue, Suite 2600
New Orleans, LA 70133
(504) 576-6822 - Telephone
jbrayme@entergy.com

James L. Robertson, MSB #5612
Charles E. Ross, MSB #5683
Rebecca Hawkins, MSB #8786
WISE CARTER CHILD & CARAWAY, P.A.
Post Office Box 651
Jackson, MS 39205-0651
(601) 968-5534 – Telephone
(601) 944-7738 – Facsimile
jlr@wisecarter.com
cer@wisecarter.com
rwh@wisecarter.com

Kathleen M. Sullivan, *Pro Hac Vice*
Sanford I. Weisburst, *Pro Hac Vice*
Quinn Emanuel Urquhart & Sullivan, LLP
51 Madison Ave., 22nd Floor
New York, NY 10010
Telephone: (212) 849-7000
Facsimile: (212) 849-7100
kathleensullivan@quinnemanuel.com
sandyweisburst@quinnemanuel.com

Mark Strain, *Pro Hac Vice*
Jay Breedveld, *Pro Hac Vice*
Duggins Wren Mann & Romero
600 Congress Ave., Suite 1900
Austin, TX 78701
Telephone: (512) 744-9300
Facsimile: (512) 744-9399
mstrain@dwmrlaw.com
jbreedveld@dwmrlaw.com

CERTIFICATE OF SERVICE

I hereby certify that I have this day electronically filed the foregoing with the Clerk of the Court using the ECF system which will send notification of such filing to all counsel of record.

This the 29th day of March, 2019.

/s/ Roy D. Campbell, III
OF COUNSEL